GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:22
ANSWERED ON:24.11.2014
CONTRACTUAL LABOURERS AT AIRPORTS
Puttaraju Shri C.S.

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a)whether contractual labourers are employed by various organizations of private/ public sectors including airports in the country;

(b)if so, the details thereof, sector-wise particularly in various airports, airport-wise;

(c)whether the Supreme Court has given any directions with respect to the services of contract labourers;

(d)if so, whether such directives have been complied with by the authorities; and

(e)if not, the reasons therefor along with the corrective steps taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA)

(a): Yes, Madam. The contractual labourers are employed by various organization of private/ public sectors including airports in the country.

(b): The details regarding employment of contract workers is as under:-

1) Airport Sector- 29981 Contract Workers.

2) Other Sectors- 460230 Contract Workers. Other sector includes workers employed in Oil, Mines, Cement, Banks, Railways, Defence, Insurance, P & T, Power and others.

(c): The Hon'ble Supreme Court has given directions for regularization of contract workers working with AAI and Air India in the case of Air India Statutory Corporation Vs United Labour Union in the year 1997. There after AAI have regularized almost all contract workers. However this decision has been over-ruled by the larger bench on 30.08.2001 in the case of Steel authority of India Ltd.

As far as Delhi International Airport Ltd. is concerned the Hon'ble Supreme Court has delivered two judgment with respect to contract labour

i) SAIL Vs National Water Front Workers Union in which the Hon'ble Supreme Court ruled the following:-

1) The contract labour shall not be automatically regularized on prohibition of the employment under Section 10(1) of the Contract Labour (Regulation &Abolation) Act, 1970

2) The contract labour shall be given preference over others in terms of age and educational qualification in the matter of their regularization.

3) The Contract labour has to be regularized if the contract is sham, camouflage or ruse, subject to, however, that whether the contract is sham, camouflage or ruse shall be decided by the Industrial Adjudicator.

ii) TDI Karmrachari Union Vs. Union of India & others (Delhi International Airport Ltd. was later added as a party). In this case the Hon'ble Supreme Court ruled that the services of the 136 trolley retrievers being terminated on account of the transfer of Delhi Airport to Delhi International Airport Limited by Airport Authority of India, in which establishment the employment in trolley retrieval was prohibited by the Central Government under Section 10(1) of the Contract Labour (Regulation & Abolition) Act, 1970, Delhi International Airport Limited was directed to pay Rs. 5 lac to each trolley retrievers towards full and final settlement.

(d): The directives as mentioned above were complied with by the employers. However, as and when the cases of non compliance are received through complaint or industrial disputes the same are treated and handled under the provisions of ID Act, 1947.

2) The Authority has regularized almost all the workers as directed by the Hon'ble Supreme Court in the case Air India Statutory Corporation Vs United Labour Union in the year 1997.

(e): Not Applicable.